

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

MARY SARGENT,  
ADC #710323

PLAINTIFF

V.

1:12CV00017 DPM/JTR

TIMOTHY J. HETHRINGTON, Corporal;  
and JANICE STEPHENS, Corporal;  
Arkansas Department of Correction

DEFENDANTS

**ORDER**

Plaintiff, Mary Sargent, has filed this *pro se* § 1983 action alleging that Defendants Timothy Hethrington and Janice Stephens used excessive force against her on January 24, 2012. Plaintiff has recently filed two non-dispositive Motions, which the Court will address separately.

**I. Plaintiff's Motion to Amend the Complaint**

Plaintiff has filed a Motion seeking permission to add a new claim that Defendant Hethrington used excessive force against her, a second time, on August 18, 2012. *See* docket entry #52.

That new claim occurred *after* Plaintiff filed this lawsuit, on February 6, 2012. *See* docket entry #2. Additionally, Plaintiff admits that she completed the prison exhaustion process regarding that claim on October 22, 2012, which was *after* she

filed this action.

It is well settled that a prisoner must fully exhaust her administrative remedies as to each claim *prior* to filing a lawsuit in federal court. *See* 28 U.S.C. § 1997e(a); *Johnson v. Jones*, 340 F.3d 624, 627 (8th Cir. 2003); *Graves v. Norris*, 218 F.3d 884, 885 (8th Cir. 2000) (emphasis added). Plaintiff did not do so in regard to her August 18, 2012 excessive force claim.

Accordingly, the Motion to Amend is denied because it would be futile to allow Plaintiff to add her August 18, 2012 excessive force claim to this lawsuit. *See Popoalii v. Corr. Med. Servs.*, 512 F.3d 488, 497 (8th Cir. 2008); *In re Senior Cottages of America, LLC*, 482 F.3d 997, 1001 (8th Cir. 2007) (same).

## **II. Plaintiff's Motion to Compel**

Plaintiff has filed a Motion asking the Court to compel Defendants to produce any video recordings they have of the August 18, 2012 incident. *See* docket entry #53. As previously explained, the August 18, 2012 incident will not be added to this lawsuit. Thus, the Motion to Compel is denied.

## **III. Conclusion**

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion to Amend the Complaint (docket entry #52) is DENIED.

2. Plaintiff's Motion to Compel (docket entry #53) is DENIED.

Dated this 6th day of December, 2012.

  
UNITED STATES MAGISTRATE JUDGE